

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 77239

Daniel Cammue

1231 63rd Street

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, 431, failure to cease the storage of a commercial vehicle (taxi); failure to cease the storage of unlicensed motor vehicles; failure to remove all trash, junk and debris on residential property zoned DR 5.5 known as 1231 63rd Street, 21237.

On June 8, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$6,000.00 (six thousand dollars).

The following persons appeared for the Hearing and testified: Daniel Cammue, Respondent and Jason Seidelman, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 7, 2010 for removal of untagged/inoperative motor vehicles, remove commercial vehicles, remove debris, cut and remove tall grass and weeds. This Citation was issued on June 8, 2010.

B. Inspector Jason Seidelman testified that his inspections found multiple untagged vehicles parked outside on this residential property, including a severely damaged taxicab. Inspections also found junk, trash and debris on the property including a pile of concrete rubble and old building materials. Re-inspection prior to this Hearing found four untagged vehicles still on the property; including the damaged taxicab. Photographs in the file show multiple sedans parked on the property, covered with tarpaulins.

C. Respondent Daniel Cammue testified that he is holding the cars so he can send them to Africa. He further testified that after he traveled to Africa last year, he returned to find his basement had flooded and the debris and building materials were the result of repairing that damage. He testified that he can get the truck tagged in two or three weeks and requested several months extension to move the other vehicles. He further testified that he was in an accident in the wrecked taxicab and that the insurance company has not allowed him to get rid of the vehicle yet.

D. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on all vehicles and make them operable, or remove them from the property.

E. Photographs show junk, trash and debris including old lumber, and a large pile of stacked bricks. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. County law prohibits the accumulation of bricks or other materials that is conducive to rat harborage, and requires such materials to be evenly piled or stacked on open racks that are elevated at least 18 inches above the ground. BCC Section 13-7-312.

F. According to the evidence presented, Respondent has cleaned up the property and corrected most of the junk and trash violations. The rest of the debris must be removed. All untagged or inoperative vehicles must be removed from outside storage. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondent will be

subject to additional Citation, and the County will be authorized to remove the untagged vehicles, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 9, 2010.

IT IS FURTHER ORDERED that after August 9, 2010, the County may enter the property for the purpose of removing untagged vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.